

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	CASE NO. 18-40250
WILL SPENCER CHAVIS AND ROSE	§	
MARIE CHAVIS FKA ROSE MARIE	§	CHAPTER 13
HUGHES	§	
DEBTORS	§	MOTION FOR RELIEF
	§	HEARING DATE:
HSBC BANK USA, N.A., AS TRUSTEE	§	
FOR THE REGISTERED HOLDERS OF	§	SEPTEMBER 12, 2018 1:00PM
NOMURA HOME EQUITY LOAN, INC.,	§	
ASSET-BACKED CERTIFICATES,	§	
SERIES 2007-3, ITS SUCCESSORS AND	§	
ASSIGNS,	§	
MOVANT		
VS.		
WILL SPENCER CHAVIS AND ROSE		
MARIE CHAVIS FKA ROSE MARIE		
HUGHES, DEBTORS, AND CAREY D.		
EBERT, TRUSTEE,		
RESPONDENT		

AGREED ORDER CONDITIONALLY MODIFYING AUTOMATIC STAY  
(DOCKET #26)

CAME ON before the Court for consideration the Motion For Relief From Automatic Stay filed by HSBC BANK USA, N.A., AS TRUSTEE FOR THE REGISTERED HOLDERS OF NOMURA HOME EQUITY LOAN, INC., ASSET-BACKED CERTIFICATES, SERIES 2007-3, ITS SUCCESSORS AND ASSIGNS, Movant, and any response of Debtor/Respondent. The Court finding that the parties have reached an agreement conditionally modifying the Automatic Stay of 11 U.S.C. §362 ("Automatic Stay"), it is accordingly:

**ORDERED** that the Automatic Stay shall remain in effect, except as modified herein. It is further

**ORDERED** that pursuant to the terms of that one certain Promissory Note executed by

Debtors and now payable to Movant, secured by a Deed of Trust encumbering the real property more fully described hereinafter, Debtors shall disburse directly to Movant, timely when due, each monthly installment that falls due on or after the first day of **October 2018**. It is further

**ORDERED** that Debtor shall file a Plan Modification request within (30) days following entry of this Order to include the Post-petition Arrearage in the amount of \$5,688.24 to be disbursed by Trustee. Said funds shall be applied to the post-petition mortgage installments and late charges for the months of May 2018 through September 2018, plus attorneys' fees of \$619.00 and costs of \$181.00. It is further

<b>Due Date</b>	<b>Total Payment</b>
05/01/2018	\$1,074.23
06/01/2018	\$1,074.23
07/01/2018	\$1,074.23
08/01/2018	\$1,074.23
09/01/2017	\$1,074.23
<b>Suspense</b>	<b>(\$482.91)</b>
<b>MFR Fees &amp; Costs</b>	<b>\$800.00</b>
<b>Total Due</b>	<b>\$5,688.24</b>

**ORDERED** that Debtors shall make all Trustee payments according to the Plan. Debtors shall keep all Trustee payments current. It is further

**ORDERED** that the above referenced mortgage installments and additional payments to bring arrearages current shall be made to the mortgage company at the following address:

Ocwen Loan Servicing, LLC  
ATTN: Cashiering Department  
1661 Worthington Road Suite 100  
West Palm Beach, FL 33409

It is further **ORDERED** that if Debtors default on any of the terms of this Order, Movant shall mail notice of the default to Debtors by certified mail, return receipt requested, and by regular mail. Unless Debtors cure the default within ten (10) days of the date Movant mails the notice, the

Automatic Stay shall be and is hereby ordered lifted with respect to Movant, its assignees and/or successors in interest. Movant shall send a Notice of Default to Debtors on two separate occasions only. Upon the third default by the Debtors to comply with the terms herein, the Automatic Stay shall be ordered lifted with respect to Movant without further notice to Debtors. If Debtors default under the terms of this Order and the Automatic Stay is lifted, Movant, and its assignees and/or successors in interest, shall be excepted from the Automatic Stay, and is authorized to enforce its lien, and to pursue its statutory and contractual remedies to gain possession of the following described real property:

LOT 21, BLOCK 13, STONEWOOD HEIGHTS ADDITION, AN ADDITION TO THE CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 86048, PAGE 1605, MAP/PLAT RECORDS, DALLAS COUNTY, TEXAS.

Also known as:  
917 BLEWITT DR  
CEDAR HILL, TX 75104

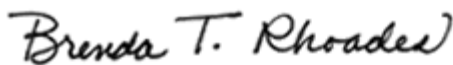
It is further **ORDERED** that in the event this case is converted to another Chapter of the Bankruptcy Code, the automatic stay shall lift without further notice except to the extent the property described above is non-exempt property, and any and all arrearages owed to Movant by Debtors shall become due and payable immediately. It is further

**ORDERED** that in the event this case is dismissed and not reinstated, the agreements reached between the parties in this order are cancelled, of no further effect, and neither party shall be bound by the agreements made herein. It is further

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**ORDERED** that upon termination of stay, Movant shall be exempt from further compliance with FRBP 3002.1 in this case.

Signed on 9/12/2018

 SR  
\_\_\_\_\_  
HONORABLE BRENDA T. RHOADES,  
UNITED STATES BANKRUPTCY JUDGE



\* The signature of Movant's counsel shown below is an affirmative representation to the Court that Movant has complied with Bankruptcy Rule Number 4001.

APPROVED AS TO FORM AND ENTRY REQUESTED:

*Codilis & Stawiariski, P.C.*

By: /s/ Cristina Platon Camarata \*

Harriet L. Langston SBOT 11924400

Sarah S. Cox SBOT 24043439

Annarose Harding SBOT 24071438

Lisa L. Cockrell SBOT 24036379

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400 N. Sam Houston Parkway East, Suite 900A

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**ATTORNEYS FOR MOVANT**

MARCUS B. LEINART

11520 N. CENTRAL EXPRESSWAY, SUITE 212

DALLAS, TX 75243

**ATTORNEY FOR DEBTORS**

44-18-0666

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CHAVIS, WILL SPENCER

Conventional

18-40250 Declaration Plan Mod AO - Eastern.PDF

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## Details

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WILL CHAVIS

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

## IN RE:

WILL SPENCER CHAVIS  
ROSE MARIE CHAVIS  
Debtor(s)

CASE NO. 18-40250-ltr-13

CHAPTER 13

**DECLARATION OF DEBTOR UNDER PENALTY OF PERJURY  
REGARDING REQUEST TO PAY POST-PETITION MORTGAGE  
OBLIGATIONS THROUGH CHAPTER 13 PLAN MODIFICATION**

I, as one of the Debtor(s) in the above referenced case, owe a debt secured only by a security interest in real property that is my/our principal residence (a "mortgage debt") and have fallen in arrears on that obligation, in contravention of our obligations under any/our confirmed Chapter 13 plan. We will be seeking the Court's permission to modify that confirmed plan to address these post-petition obligations and, in support of that request, declare under penalty of perjury that the following statements are true and correct:

FURTHER  
2 MB/HR  
16 ARKAS.

NUMBER OF POST-PETITION MONTHS IN ARREARS: \_\_\_\_\_

CALENDAR RANGE OF ARREARAGES: from (month), (year) to (month), (year).

REASON FOR ARREARAGES:

- ☐ Loss of Post-Petition Income
- ☐ Unbudgeted Medical Expenses
- ☐ Other Hardship

DETAILED EXPLANATION:

*Will S. Chavis*

Date:

*09-10-2018*

Signature:

*Rose Chan*

Debtor